IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3053 OF 2007

Shankar Murlidhar Kale ..Applicant

versus

State of Maharashtra ..Respondents

Mr. R. S. Alange for the Applicant.

Mr. U. V. Nikam, APP for the Respondents - State.

CORAM : V. C. DAGA, J.

DATE : 11TH OCTOBER, 2007.

P.C.

. Heard learned counsel for the applicant and the learned APP for the Respondents - State.

2. The Applicant is seeking bail under section 439 of the Cr.P.C. after having suffered adverse order dated 22.8.2007 passed by the Ad-hoc Addl. Sessions Judge - 5, Pune, wherein while rejecting the application, the learned Sessions Judge observed as under:

"There is direct evidence of complainant who had seen the Applicant committing alleged offences. Police had prepared panchnama on 07-6-2007 and thereby seized cash amount of Rs.130/-, a torch, Iron Panha from the Accused. The scooter of Accused and the lock of the door of the liquor shop were also seized. Another case of theft and house breaking is pending against Applicant. There is prima facie material against Applicant. No doubt, the first application of Applicant for bail bearing Cri. M.A. 1729 of 2007 was rejected by this court on 25-6-2007 mainly on the ground that investigation was then in progress. No doubt, subsequently, after completion of investigation chargesheet came to be filed before the JMFC Bhor and that filing of chargesheet is change of circumstances. However, since there is strong prima facie evidence against Applicant, his second bail application deserves to be rejected."

3. Having seen the aforesaid findings and the submissions advanced, I do not see there is any case made out by the Applicant to take different view in the matter. Hence, application is dismissed.

JUDGE